

REMARKS

In response to the Office Action of November 25, 2005, Applicant respectfully requests reconsideration. Claims 1-27 and 37-39 are currently pending. The application as presented is believed to be in condition for allowance.

Claim Rejections Under 35 U.S.C. §103

The Office Action provides three separate obviousness rejections to each of independent claims 1, 16, and 22. Specifically, these claims were rejected under 35 U.S.C. §103(a) as purportedly being obvious over Fisher in combination with DiChiara (4,858,117), Fisher in combination with Hart (5,285,528), and Fisher in combination with Duso (5,892,915). Each of these rejections is respectfully traversed.

On January 25, 2006, Applicant telephoned the Examiner and requested a telephone interview. The Examiner requested that Applicant submit a detailed interview agenda and, on January 27, 2006, Applicant sent the Examiner such an agenda via facsimile.

In the January 27 agenda, Applicant pointed out that in a previous response, Applicant had explained that Fisher discloses a mount status table that indicates whether a volume is mounted or unmounted and that this mount status table is the information which Fisher uses to determine whether a volume is still in use. Applicant had argued that this information is not information identifying a user, and that Fisher does not disclose the limitation of claim 1 that recites "verifying that the logical volume is still in use using at least a portion of the information identifying each user," as the information that Fisher uses to determine whether a volume is still in use is not information identifying a user. The agenda acknowledged that the Examiner had responded to this argument in the Office Action mailed November 25, 2005 and the Advisory Action of January 3, 2006, asserting that the entire database of Fisher corresponds to the claimed information identifying each user, and a portion of this database identifies if the volume is in use (mounted). However, the agenda expressed Applicant's desire to discuss the Examiner's view that it was appropriate to interpret the phrase "information identifying each user" in claim 1 to refer not only to information that actually identifies a user but also other information (which does not identify a user), stored in a common database, noting that the claim is intended to require that

the information that is used to verify whether a logical volume is still in use is information that actually identifies one or more users.

After receiving and reviewing the January 27 interview agenda, the Examiner left a voicemail for Applicant indicating that he agreed that Fisher does not disclose using information that actually identifies a user to verify that a logical volume is still in use and suggested Applicant propose a claim amendment to clarify this distinction. Applicant submitted, via facsimile, a second interview agenda on January 31, 2006, including a proposed amendment to claim 1 clarifying that the information identifying at least one user is used in verifying that a logical volume is still in use. After receiving and reviewing the January 31, 2006 interview agenda, the Examiner left another voicemail for Applicant indicating that he believed the proposed amendment helped to clarify what information is used to verify that a logical volume is in use and suggesting a minor modification to the proposed amendment.

On February 2, 2006, Applicant submitted, via facsimile, a third interview agenda that included a proposed amendment incorporating the modification that the Examiner suggested to claim 1 and also providing proposed clarifying amendments to independent claims 16 and 22. After receiving and reviewing the February 2 interview agenda, the Examiner telephoned Applicant and indicated that the proposed amendments to independent claims 1, 16, and 22 would overcome the rejections of these claims set forth in the Office Action of November 25, 2005. Each of the above-discussed interview agendas is appended to this response to ensure that these agendas form part of the record.

By this amendment, Applicant has amended claims 1, 16, and 22 in the manner proposed in the February 2 interview agenda.

Claim 1, as amended, recites, *inter alia*, “using at least a portion of the information to determine at least one of the users of at least one of the plurality of logical volumes; and based on the determination of the at least one user made using the at least a portion of the identifying information, verifying that the logical volume is still in use.” Fisher does not disclose or suggest verifying that the logical volume is still in use based on a determination made using the at least a portion of the identifying information. Rather, Fisher determines whether a logical volume is still in use using a mount status

table that does not identify any users of the logical volume. None of the secondary references (i.e., DiChiara, Duso, and Hart) cures this infirmity of Fisher.

Thus, claim 1 patentably distinguishes over Fisher and the secondary references, whether taken alone or in combination. Accordingly, it is respectfully requested that the rejections of claim 1 under 35 U.S.C. §103 be withdrawn.

Claims 2-15 and 37 depend from claim 1 and are patentable for at least the same reasons. Accordingly, it is respectfully requested that the rejection of these claims be withdrawn.

Each of claims 16 and 22, as amended, recites, “a verifier module, coupled to the access manager module, that uses at least a portion of the information identifying each user of the logical volumes to determine at least one of the users of at least one of the plurality of logical volumes and, based on the determination of the at least one user made using the at least a portion of the information identifying each user, performs verification that a logical volume is still in use.” Fisher does not disclose a module that performs verification that a logical volume is still in use based on a determination of at least one user of the volume made using at least a portion of the information identifying each user. Rather, as discussed above, Fisher determines whether a logical volume is still in use using a mount status table that does not identify any users of the logical volume. None of the secondary references cures this infirmity of Fisher.

Thus, claims 16 and 22 each patentably distinguishes over Fisher and the secondary references, whether taken alone or in combination. Accordingly, it is respectfully requested that the rejections of claims 16 and 22 under 35 U.S.C. §103 be withdrawn.

Claims 17-21 and 38 depend from claim 16 and claims 23-27 and 39 depend from claim 22. Each of these dependent claims is patentable for at least the same reasons as its respective independent claim. Accordingly, it is respectfully requested that the rejection of these claims be withdrawn.

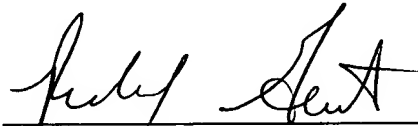
CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below to discuss any outstanding issues relating to the allowability of the application.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

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